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UNCLAS SECTION 01 OF 07 CARACAS 000117

CINCSO ALSO FOR POLAD

E.O. 12958: N/A
TAGS: PGOV, PREL, ECON, VE
SUBJECT: FINAL CONSTITUTION TEXT: PREAMBLE, ARTICLES 1-42

1. (U) THIS IS THE SECOND OF A SERIES OF 13 MESSAGES

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TRANSMITTING THE FINAL TEXT OF THE NEW VENEZUELAN CONSTITUTION APPROVED IN REFERENDUM DECEMBER 15 AND PUBLISHED IN THE OFFICIAL GAZETTE DECEMBER 30 (THUS ENTERING INTO FORCE). TEXT SUPERSEDES THAT TRANSMITTED IN NOVEMBER, WHICH WAS UNEXPECTEDLY SUBJECTED TO FURTHER REVISIONS.

2. (U) PREVIOUS MESSAGES IN THE PRESENT SERIES ARE:

CARACAS 000114 (TABLE OF CONTENTS)

3. (U) TEXT OF PREAMBLE, ARTICLES 1-42

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: MELVIN E SINN
DATE/CASE ID: 24 JUN 2004 200400114

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BEGIN TEXT:

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PREAMBLE
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THE PEOPLE OF THE BOLIVARIAN REPUBLIC OF VENEZUELA, EXERCISING THEIR POWERS OF CREATION AND INVOKING THE PROTECTION OF GOD, THE HISTORIC EXAMPLE OF OUR LIBERATOR SIMON BOLIVAR, THE HEROISM AND SACRIFICE OF OUR INDIGENOUS ANCESTORS AND THE PRECURSORS AND FORGERS OF A FREE AND SOVEREIGN FATHERLAND, WITH THE SUPREME PURPOSE OF RE-FOUNDING THE REPUBLIC IN ORDER TO ESTABLISH A DEMOCRATIC, PARTICIPATORY, ACTIVIST, MULTIETHNIC AND MULTICULTURAL SOCIETY WITHIN A FEDERAL AND DECENTRALIZED STATE OF JUSTICE WHICH CONSOLIDATES THE VALUES OF FREEDOM, INDEPENDENCE, PEACE, SOLIDARITY, COMMON WELL-BEING, TERRITORIAL INTEGRITY, COEXISTENCE, AND THE RULE OF LAW, FOR THIS AND FUTURE GENERATIONS, WHICH ENSURES THE RIGHT TO LIFE, TO WORK, TO CULTURE, TO EDUCATION, TO SOCIAL JUSTICE AND TO EQUALITY WITHIN

ANY KIND OF SUBORDINATION, WHICH PROMOTES PEACEFUL COOPERATION AMONG NATIONS AND STIMULATES AND CONSOLIDATES LATIN AMERICAN INTEGRATION IN ACCORDANCE WITH THE PRINCIPLES OF NON-INTERVENTION AND SELF-DETERMINATION OF PEOPLES, THE UNIVERSAL AND INDIVISIBLE GUARANTEE OF HUMAN RIGHTS, THE DEMOCRATIZATION OF INTERNATIONAL SOCIETY, NUCLEAR DISARMAMENT, ECOLOGICAL BALANCE AND THE JURIDICAL STATUS OF THE ENVIRONMENT AS A COMMON AND INALIENABLE PATRIMONY OF HUMANITY, EXERCISING ITS ORIGINATING POWER, REPRESENTED BY THE NATIONAL CONSTITUENT ASSEMBLY VIA FREE VOTE AND DEMOCRATIC REFERENDUM, DECREES THE FOLLOWING CONSTITUTION:

==========
TITLE I: BASIC PRINCIPLES
==========

ARTICLE 1: VENEZUELA DECLARES ITSELF BOLIVARIAN REPUBLIC, IRREVOCABLY FREE AND INDEPENDENT, AND BASES ITS MORAL PATRIMONY, AS WELL AS THE VALUES OF FREEDOM, JUSTICE AND INTERNATIONAL PEACE, IN THE DOCTRINE OF SIMON BOLIVAR, THE LIBERATOR. INDEPENDENCE, LIBERTY, SOVEREIGNTY, IMMUNITY, TERRITORIAL INTEGRITY AND NATIONAL SELF-DETERMINATION A ARE INALIENABLE NATIONAL RIGHTS.

ARTICLE 2: VENEZUELA CONSTITUTES ITSELF AS A DEMOCRATIC AND SOCIAL STATE OF LAW AND JUSTICE, WHICH PROMOTES AS THE PRINCIPAL VALUES OF ITS LEGAL ORDER AND ITS ACTION LIFE, FREEDOM,

EQUALITY, SOLIDARITY, DEMOCRACY AND IN GENERAL THE PREEMINENCE OF HUMAN RIGHTS, PUBLIC ETHICS AND POLITICAL PLURALISM.

ARTICLE 3: THE STATE HAS AS ITS ESSENTIAL OBJECTIVES THE

DEFENSE AND DEVELOPMENT OF THE HUMAN PERSON AND THE RESPECT FOR HIS OR HER DIGNITY; THE DEMOCRATIC EXPRESSION OF POPULAR WILL; THE CONSTRUCTION OF A JUST, PEACE-LOVING SOCIETY; THE PROMOTION OF THE PROSPERITY AND WELL-BEING OF THE PEOPLE; AND THE GUARANTEE THAT THE PRINCIPLES, RIGHTS AND DUTIES CONSECRATED IN THIS CONSTITUTION WILL BE FULFILLED. EDUCATION AND WORK ARE THE ESSENTIAL MEANS OF GUARANTEEING THESE OBJECTIVES.

ARTICLE 4: THE BOLIVARIAN REPUBLIC OF VENEZUELA IS A FEDERAL STATE, DECENTRALIZED IN THE TERMS SET FORTH IN THIS CONSTITUTION, AND IS GUIDED BY THE PRINCIPLES OF TERRITORIAL INTEGRITY, COOPERATION, SOLIDARITY, COMPETITION, AND CO-RESPONSIBILITY.

ARTICLE 5: SOVEREIGNTY RESIDES INALIENABLY IN THE PEOPLE, WHICH EXERCISES IT DIRECTLY IN THE MANNER SET FORTH IN THE CONSTITUTION AND THE LAWS, AND INDIRECTLY THROUGH ELECTION OF THE ORGANS OF PUBLIC AUTHORITY.

THE ORGANS OF THE STATE EMANATE FROM THE SOVEREIGNTY OF THE PEOPLE AND ARE DIRECTLY SUBORDINATED TO IT.

ARTICLE 6: THE GOVERNMENT OF THE BOLIVARIAN REPUBLIC OF

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VENEZUELA AND THE POLITICAL ENTITIES WHICH COMPOSE IT, IS, AND
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WILL FOREVER BE, DEMOCRATIC, PARTICIPATORY, ELECTIVE, DECENTRALIZED, WITH ALTERNATION [IN POWER], RESPONSIVE, PLURALIST AND WITH MANDATES SUBJECT TO RECALL.

ARTICLE 7: THE CONSTITUTION IS THE SUPREME AND FUNDAMENTAL BASIS OF THE LEGAL ORDER. ALL PERSONS AND ALL ORGANS OF PUBLIC AUTHORITY ARE SUBJECT TO THIS CONSTITUTION.

ARTICLE 8: THE SYMBOLS OF THE FATHERLAND ["PATRIA"] ARE THE NATIONAL FLAG WITH ITS COLORS YELLOW, BLUE AND RED; THE NATIONAL ANTHEM "GLORIA AL BRAVO PUEBLO," AND THE COAT OF ARMS OF THE REPUBLIC. THE LAW WILL DETERMINE THEIR CHARACTERISTICS, SIGNIFICANCE AND USE.

ARTICLE 9: THE OFFICIAL LANGUAGE IS SPANISH ["EL CASTELLANO"].

INDIGENOUS LANGUAGES ARE OFFICIAL LANGUAGES FOR INDIGENOUS PEOPLES, AND ARE RESPECTED THROUGHOUT THE REPUBLIC AS A PART OF THE PATRIMONY OF THE NATION AND OF THE HUMAN RACE.

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TITLE II: THE GEOGRAPHIC SPACE AND POLITICAL DIVISION
==========

CHAPTER I: THE TERRITORY AND OTHER GEOGRAPHICAL SPACE

ARTICLE 10: THE TERRITORY AND OTHER GEOGRAPHICAL SPACES OF THE

REPUBLIC ARE THOSE WHICH CORRESPONDED TO THE CAPTAINCY GENERAL OF VENEZUELA PRIOR TO THE POLITICAL CHANGES WHICH BEGAN APRIL

19, 1810, WITH THOSE CHANGES RESULTING FROM THOSE TREATIES AND ARBITRATION AWARDS NOT INVALIDATED BY THEIR NULLITY ["NO VICIADOS DE NULIDAD"].

ARTICLE 11: THE FULL SOVEREIGNTY OF VENEZUELA IN EXERCISED IN THE CONTINENTAL AND ISLAND SPACE, WATER AND AIR SPACE, LAKE AND RIVER SPACE, TERRITORIAL SEA, INTERNAL HISTORICAL AND VITAL MARINE AREAS, AND THOSE AREAS CONTAINED WITHIN THE STRAIGHT-BASE LINES ADOPTED BY THE REPUBLIC, THE CORRESPONDING SOIL AND SUBSOIL OF THESE; CONTINENTAL, INSULAR AND MARITIME AIR SPACE AND THE RESOURCES LOCATED WITHIN THESE SPACES, INCLUDING GENETIC RESOURCES, RESOURCES OF MIGRATORY SPECIES, THEIR DERIVED COMPONENTS, AND INTANGIBLE COMPONENTS, WHICH FOR NATURAL REASONS ARE LOCATED THERE.

THE ISLAND TERRITORY OF THE REPUBLIC INCLUDES THE ARCHIPELAGO OF LOS MONJES, THE ARCHIPELAGO OF LAS AVES, THE ARCHIPELAGO OF LOS ROQUES, THE ARCHIPELAGO OF LA ORCHILA, THE ISLAND OF LA TORTUGA, THE ISLAND OF LA BLANQUILLA, THE ARCHIPELAGO LOS HERMANOS, THE ISLAND OF LA MARGARITA, CUBAGUA AND COCHE, THE ARCHIPELAGO OF LOS FRAILES, THE ISLAND OF LA SOLA, THE ARCHIPELAGO OF LOS TESTIGOS, THE ISLAND OF PATOS, THE ISLAND OF AVES; AND IN ADDITION THE ISLANDS, ISLETS, KEYS AND BANKS SITUATED IN OR WHICH EMERGE FROM THE TERRITORIAL SEA, IN THE AREA COVERING THE CONTINENTAL SHELF, OR WITHIN THE AREA OF THE EXCLUSIVE ECONOMIC ZONE.

THE REPUBLIC EXERCISES IN THE TERMS, EXTENT AND CONDITIONS DETERMINED BY THE LAW AND BY PUBLIC INTERNATIONAL LAW EXCLUSIVE RIGHTS OF SOVEREIGNTY AND JURISDICTION OVER THE WATER SPACE CONSTITUTED BY THE CONTIGUOUS MARITIME ZONE, THE CONTINENTAL

PLATFORM AND THE EXCLUSIVE ECONOMIC ZONE.

VENEZUELA POSSESSES RIGHTS OVER THE OUTER SPACE ABOVE IT ["ESPACIO ULTRATERRESTRE SUPRAYACENTE"], AND IN AREAS WHICH ARE OR COULD BE THE COMMON PATRIMONY OF HUMANITY, IN THE TERMS EXTENT AND CONDITIONS DETERMINED BY LAW AND BY PUBLIC INTERNATIONAL LAW.

ARTICLE 12: MINERAL AND HYDROCARBON DEPOSITS, WHATEVER THEIR NATURE, WHICH EXIST IN THE NATIONAL TERRITORY, [OR] BENEATH THE

BED OF THE TERRITORIAL SEA, OF THE CONTIGUOUS MARITIME ZONE AND IN THE CONTINENTAL SHELF, BELONG TO THE REPUBLIC; THEY ARE PUBLIC PROPERTY AND AS SUCH ARE INALIENABLE IMPRESCRIBABLE; THE MARITIME COASTS ARE PROPERTY OF THE PUBLIC DOMAIN.

ARTICLE 13: TERRITORY CAN NEVER BE CEDED, TRANSFERRED, LEASED OR IN ANY WAY ALIENATED, NOT EVEN TEMPORARILY NOR PARTIALLY, TO FOREIGN STATES OR OTHER SUBJECTS OF INTERNATIONAL LAW.

THE GEOGRAPHIC AREA IS A ZONE OF PEACE. NO FOREIGN MILITARY BASES, OR INSTALLATIONS THAT IN SOME SENSE SERVE MILITARY PURPOSES, MAY BE ESTABLISHED IN IT BY ANY FOREIGN POWER OR COALITION OF POWERS.

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FOREIGN STATES OR OTHER SUBJECTS OF INTERNATIONAL LAW MAY ONLY ACQUIRE REAL PROPERTY TO USE FOR THEIR DIPLOMATIC OR CONSULAR MISSIONS WITHIN A DETERMINED AREA AND IN ACCORDANCE WITH GUARANTEES OF RECIPROCITY, WITH THE LIMITATIONS ESTABLISHED BY LAW. IN SUCH CASES, NATIONAL SOVEREIGNTY WILL ALWAYS BE RESERVED.

UNCULTIVATED LANDS IN THE FEDERAL DEPENDENCIES AND LAKE ISLANDS CANNOT BE ALIENATED, AND CONCESSIONS FOR THEIR USE MAY ONLY BE MADE IN A MANNER WHICH DOES NOT INVOLVE, EITHER DIRECTLY OR INDIRECTLY, THE TRANSFER OF OWNERSHIP OF THE LAND.

ARTICLE 14: THE LAW WILL ESTABLISH A SPECIAL JURIDICAL REGIME FOR THOSE TERRITORIES WHICH BY FREE SELF-DETERMINATION OF THEIR INHABITANTS AND WITH THE ACCEPTANCE OF THE NATIONAL ASSEMBLY, BECOME PART OF THE REPUBLIC.

ARTICLE 15: THE STATE HAS THE RESPONSIBILITY OF ESTABLISHING A COMPREHENSIVE POLICY IN LAND, INSULAR AND MARITIME BORDER AREAS, PRESERVING THE NATIONAL TERRITORY, SOVEREIGNTY, SECURITY, DEFENSE, NATIONAL IDENTITY, DIVERSITY AND ENVIRONMENT, AND PROMOTING ECONOMIC, CULTURAL AND SOCIAL DEVELOPMENT AND INTEGRATION. ADDRESSING THE PARTICULAR CHARACTER OF EACH FRONTIER REGION THROUGH SPECIAL [ECONOMIC] ALLOTMENTS, AN ORGANIC LAW ON FRONTIERS WILL DETERMINE THE OBLIGATIONS AND OBJECTIVES OF THIS RESPONSIBILITY.

CHAPTER II: POLITICAL DIVISION

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ARTICLE 16: FOR THE PURPOSES OF ORGANIZING THE REPUBLIC POLITICALLY, THE NATIONAL TERRITORY IS DIVIDED INTO THAT OF THE STATES, THE CAPITAL DISTRICT THE FEDERAL DEPENDENCIES AND THE FEDERAL TERRITORIES. THE TERRITORY IS DIVIDED INTO MUNICIPALITIES.

THE POLITICO-TERRITORIAL DIVISION WILL BE DETERMINED BY AN ORGANIC LAW THAT WILL GUARANTEE MUNICIPAL AUTONOMY AND POLITICO-ADMINISTRATIVE DECENTRALIZATION. SAID LAW MAY CREATE IN SPECIFIC AREAS OF THE STATES FEDERAL TERRITORIES, DEPENDENT UPON APPROVAL IN A REFERENDUM IN THE RESPECTIVE ENTITY. A SPECIAL LAW MAY GIVE A FEDERAL TERRITORY THE CATEGORY OF STATE, ASSIGNING TO IT [THE NEW STATE] IN PART OR IN WHOLE THE AREA OF THE TERRITORY IN QUESTION.

ARTICLE 17: THE FEDERAL TERRITORIES ARE THE MARITIME ISLANDS NOT INTEGRATED INTO THE TERRITORY OF A STATE, AS WELL AND THOSE ISLANDS WHICH MIGHT COME INTO BEING OR APPEAR IN THE TERRITORIAL SEA OR THE SEA WHICH COVERS THE CONTINENTAL SHELF. THEIR REGIME AND ADMINISTRATION WILL BE INDICATED BY LAW.

ARTICLE 18: THE CITY OF CARACAS IS THE CAPITAL OF THE REPUBLIC AND THE SEAT OF THE ORGANS OF THE NATIONAL AUTHORITY.

THE PROVISIONS OF THIS ARTICLE DO NOT PREVENT THE EXERCISE OF NATIONAL AUTHORITY IN OTHER AREAS OF THE REPUBLIC.

A SPECIAL LAW WILL ESTABLISH A POLITICO-TERRITORIAL UNIT CORRESPONDING TO THE CITY OF CARACAS THAT INTEGRATES INTO A TWO-LEVEL SYSTEM OF MUNICIPAL GOVERNMENT THE MUNICIPALITIES OF THE CAPITAL DISTRICT AND OF THE STATE OF MIRANDA. THIS LAW WILL

ESTABLISH ITS ORGANIZATION, GOVERNMENT AND ADMINISTRATION, AS WELL AS DETERMINING ITS AREAS OF RESPONSIBILITIES AND RESOURCES, IN ORDER TO ACHIEVE A HARMONIOUS AND INTEGRATED DEVELOPMENT OF THE CITY. THE LAW WILL GUARANTEE THE DEMOCRATIC AND PARTICIPATORY CHARACTER OF THE GOVERNMENT.

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TITLE III: DUTIES, HUMAN RIGHTS AND GUARANTEES
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CHAPTER I: GENERAL DISPOSITIONS

ARTICLE 19: THE STATE WILL GUARANTEE TO EVERY PERSON, IN ACCORDANCE WITH THE PRINCIPLE OF PROGRESS, AND WITHOUT ANY DISCRIMINATION, THE INALIENABLE, INDIVISIBLE AND INTERDEPENDENT EXERCISE OF HUMAN RIGHTS; RESPECT FOR, AND GUARANTEE OF, THE LATTER IS OBLIGATORY FOR THE ORGANS OF PUBLIC AUTHORITY IN ACCORDANCE WITH THE CONSTITUTION, TREATIES ON HUMAN RIGHTS SIGNED AND RATIFIED BY THE REPUBLIC, AND THE LAWS WHICH IMPLEMENT THEM.

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ARTICLE 20: EVERY PERSON HAS A RIGHT TO THE FREE DEVELOPMENT OF

THEIR PERSONALITY, WITHOUT ANY LIMITATIONS OTHER THAN THOSE WHICH DERIVE FROM THE RIGHTS OF OTHERS AND PUBLIC AND SOCIAL ORDER.

ARTICLE 21: ALL PERSONS ARE EQUAL BEFORE THE LAW, AND IN CONSEQUENCE:

(1) NO DISCRIMINATION WILL BE PERMITTED BASED ON RACE, SEX, CREED, SOCIAL CONDITION, OR WHICH IN GENERAL HAS AS ITS PURPOSE OR RESULT THE ELIMINATION OR DIMINUTION OF THE RECOGNITION, ENJOYMENT, OR EXERCISE IN CONDITIONS OF EQUALITY OF THE RIGHTS AND FREEDOMS OF EACH PERSON.

(2) THE STATE WILL GUARANTEE THE LEGAL AND ADMINISTRATIVE CONDITIONS WHICH ENSURE THAT EQUALITY BEFORE THE LAW BE REAL AND EFFECTIVE; IT WILL ADOPT POSITIVE MEASURES IN FAVOR OF GROUPS WHICH COULD BE DISCRIMINATED AGAINST, MARGINALIZED OR VULNERABLE; IT WILL ESPECIALLY PROTECT THOSE PERSONS WHO, FOR

THE AFOREMENTIONED REASONS, ARE IN CIRCUMSTANCES OF MANIFEST WEAKNESS, AND WILL PUNISH ABUSED AGAINST THEM.

(3) EXCEPT IN DIPLOMATIC FORMULAS, THE ONLY OFFICIAL TITLE USED WILL BE "CITIZEN" ["CIUDADANO", "CIUDADANA".

(4) NO TITLES OF NOBILITY OR HEREDITARY DISTINCTIONS WILL BE RECOGNIZED.

ARTICLE 22: THE ENUNCIATION OF HUMAN RIGHTS AND GUARANTEES CONTAINED IN THIS CONSTITUTION AND IN INTERNATIONAL INSTRUMENTS RELATING TO HUMAN RIGHTS MAY NOT BE UNDERSTOOD AS A NEGATION OF OTHERS [I.E. OTHER HUMAN RIGHTS AND GUARANTEES] WHICH, WHILE

INHERENT IN THE HUMAN PERSON, ARE NOT EXPLICITLY MENTIONED IN THEM [I.E. THE CONSTITUTION AND INTERNATIONAL INSTRUMENTS]. THE ABSENCE OF A LAW DEFINING THESE RIGHTS DOES NOT DIMINISH THE EXERCISE OF THE LATTER.

ARTICLE 23: TREATIES, PACTS AND CONVENTIONS RELATING TO HUMAN RIGHTS WHICH HAVE BEEN SIGNED AND RATIFIED BY VENEZUELA HAVE CONSTITUTIONAL RANK AND PRIORITY IN THE DOMESTIC SPHERE IN SO FAR AT THEY CONTAIN NORMS ON THE ENJOYMENT AND EXERCISE [OF HUMAN RIGHTS] WHICH ARE MORE FAVORABLE THAN THOSE ESTABLISHED BY THIS CONSTITUTION AND BY THE LAW OF THE REPUBLIC, AND THEY ARE IMMEDIATELY AND DIRECTLY APPLICABLE BY THE TRIBUNALS AND OTHER ORGANS OF THE REPUBLIC.

ARTICLE 24: NO LEGISLATIVE MEASURE WILL HAVE A RETROACTIVE EFFECT, EXCEPT WHICH IT APPLIES A LESSER PENALTY. PROCEDURAL LAWS WILL BE APPLIED FROM THE TIME OF THEIR ENTRY INTO FORCE EVEN IN THE CASE OF THOSE LEGAL PROCEEDINGS THAT ARE ALREADY UNDER WAY; HOWEVER, IN THE CASE OF PENAL PROCEEDINGS, THAT EVIDENCE AND TESTIMONY ALREADY INTRODUCED ["LAS PRUEBAS YA EVACUADAS"] WILL BE TREATED IN ACCORDANCE WITH THE LAW IN EFFECT WHEN THEY WERE INTRODUCED, INSOFAR AS THAT BENEFITS THE ACCUSED.

WHEN THERE ARE DOUBTS OVER THE NORM TO BE APPLIED, THAT MOST FAVORABLE TO THE ACCUSED WILL BE APPLIED.

ARTICLE 25: EVERY ACT CARRIED OUT BY PUBLIC AUTHORITY WHICH VIOLATES OR DIMINISHES THE RIGHTS GUARANTEED IN THIS CONSTITUTION AND IN THE LAWS, IS NULL AND VOID, AND THE PUBLIC OFFICIALS WHO ORDER IT OR CARRY IT OUT WILL INCUR PENAL, CIVIL AND ADMINISTRATIVE RESPONSIBILITY ACCORDING TO THE CASE, WITHOUT

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THEIR BEING ABLE TO AVAIL THEMSELVES OF THE EXCUSE THAT THEY WERE CARRYING OUT THE ORDERS OF A SUPERIOR.

ARTICLE 26: EVERY PERSON HAS THE RIGHT OF ACCESS TO THE ORGANS OF AN ADEQUATE [SYSTEM OF] ADMINISTRATION OF JUSTICE IN ORDER TO EXERCISE THEIR RIGHTS AND COLLECTIVE OR INDIVIDUAL INTERESTS, TO OBTAIN EFFECTIVE PROTECTION FOR THE SAME, AND TO OBTAIN SPEEDILY A CORRESPONDING DECISION.

THE STATE GUARANTEES JUSTICE THAT IS FREE OF CHARGE, ACCESSIBLE, IMPARTIAL, APPROPRIATE, TRANSPARENT, AUTONOMOUS, INDEPENDENT, RESPONSIBLE, EQUITABLE AND EXPEDITIOUS, WITHOUT UNDUE DELAYS AND WITHOUT USELESS FORMALISM OR RECOMMENCING.

ARTICLE 27: EVERY PERSON HAVE A RIGHT TO BE PROTECTED BY THE COURTS IN THE ENJOYMENT AND EXERCISE OF THEIR CONSTITUTIONAL RIGHTS AND GUARANTEES, INCLUDING THOSE WHICH ARE INHERENT IN THE HUMAN PERSON AND WHICH ARE NOT EXPRESSLY SET FORTH IN THE CONSTITUTION.

PROCEDURE, INCLUDING THAT OF EXCEPTIONAL ACTION AND INJUNCTION ["AMPARO"] WILL BE SIMPLE BRIEF AND SUMMARY, AND THE RESPONSIBLE JUDICIAL AUTHORITY WILL HAVE THE POWER TO IMMEDIATELY

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REESTABLISH THE JURIDICAL SITUATION WHICH HAS BEEN VIOLATED OR
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THAT SITUATION MOST SIMILAR TO THE LATTER. ALL HOURS AND DAYS WILL BE AVAILABLE ["TODO TIEMPO SERA HABIL" -- THAT IS FOR ACTION BY THE COURT, REGARDLESS OF NORMAL TIME OF BUSINESS] AND THE COURT WILL GIVE PREFERENCE TO THIS CASE OVER ALL OTHERS.

A PETITION FOR INJUNCTION RELATING TO FREEDOM OR SECURITY MAY BE MADE BY ANY PERSON, AND THE DETAINED INDIVIDUAL WILL BE IMMEDIATELY PLACED UNDER CUSTODY OF THE TRIBUNAL, WITHOUT ANY DELAY.

THE EXERCISE OF THIS RIGHT CANNOT BE AFFECTED BY THE DECLARATION OF A STATE OF EXCEPTION OR BY THE RESTRICTION OF CONSTITUTIONAL GUARANTEES.

ARTICLE 28: EVERY PERSON HAS THE RIGHT TO ACCESS TO INFORMATION AND DATA CONCERNING HIM OR HIS PROPERTY TO BE FOUND IN OFFICIAL REGISTERS OR PRIVATE ONES OF PUBLIC CHARACTER, AS WELL AS TO KNOW THE USE WHICH IS BEING MADE OF THIS INFORMATION AND PURPOSE IN QUESTION, AND TO REQUEST FROM THE COMPETENT COURT THE UPDATING, CORRECTION OF DESTRUCTION OF THAT [INFORMATION AND DATA] WHICH ARE ERRONEOUS OR AFFECT IN AN ILLEGITIMATE MANNER HIS RIGHTS, IN ACCORDANCE WITH THE LAW. IN THE SAME MANNER HE MAY ACCESS DOCUMENTS OF ANY KIND WHICH CONTAIN INFORMATION WHOSE KNOWLEDGE IS OF INTEREST FOR COMMUNITIES OR GROUPS OF PERSONS. THE CONFIDENTIALITY OF SOURCES OF JOURNALISTIC INFORMATION REMAINS PROTECTED.

ARTICLE 29: THE STATE WILL BE OBLIGED TO INVESTIGATE AND SANCTION BY LAW THOSE CRIMES AGAINST HUMAN RIGHTS WHICH ARE COMMITTED BY ITS AUTHORITIES.

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THE [LEGAL] ACTIONS TO PUNISH CRIMES AGAINST HUMANITY ["LESA

HUMANIDAD"], SERIOUS VIOLATIONS OF HUMAN RIGHTS, AND WAR CRIMES, ARE NOT SUBJECT TO PRESCRIPTION. VIOLATIONS OF HUMAN RIGHTS AND CRIMES AGAINST HUMANITY WILL BE INVESTIGATED AND JUDGED BY REGULAR COURTS.

SAID CRIMES ARE EXCLUDED FROM BENEFICIARY MEASURES THAT COULD CONFER IMPUNITY UPON THEM, INCLUDING PARDON AND AMNESTY.

ARTICLE 30: THE STATE WILL HAVE THE RESPONSIBILITY TO INDEMNIFY COMPLETELY VICTIMS OF VIOLATIONS OF HUMAN RIGHTS WHICH ARE ATTRIBUTABLE TO IT OR TO ITS AGENTS ["DERECHO HABIENTES'] INCLUDING THE PAYMENT OF DAMAGES.

THE STATE WILL ADOPT LEGISLATIVE AND OTHER MEASURES IN ORDER TO MAKE EFFECTIVE THE MEASURES OF INDEMNIFICATION ESTABLISHED IN THIS ARTICLE.

THE STATE WILL PROTECT VICTIMS OF COMMON CRIMES AND WILL ENSURE THAT PERPETRATORS MAKE GOOD THE DAMAGES CAUSED.

ARTICLE 31: EVERY PERSON HAS THE RIGHT, IN THE TERMS ESTABLISHED BY TREATIES, PACTS AND CONVENTIONS ON HUMAN RIGHTS RATIFIED BY THE REPUBLIC, TO PETITION OR MAKE COMPLAINTS TO THE INTERNATIONAL ORGANS CREATED FOR THESE PURPOSES, IN ORDER TO REQUEST THE PROTECTION OF THEIR HUMAN RIGHTS.

THE STATE WILL ADOPT, IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN THIS CONSTITUTION AND THE LAW, THOSE MEASURES NECESSARY TO GIVE EFFECT TO THE DECISIONS ISSUED BY THE INTERNATIONAL ORGANS REFERRED TO IN THIS ARTICLE.

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CHAPTER II: NATIONALITY AND CITIZENSHIP
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-- SECTION I: NATIONALITY

ARTICLE 32: VENEZUELANS BY BIRTH ARE:

(1) EVERY PERSON BORN IN THE TERRITORY OF THE REPUBLIC

(2) EVERY PERSON BORN ABROAD WHO IS THE SON OR DAUGHTER OF A FATHER WHO IS VENEZUELAN BY BIRTH OR A MOTHER WHO IS VENEZUELAN BY BIRTH.

(3) EVERY PERSON BORN ABROAD WHO IS THE SON OR DAUGHTER OF A

FATHER WHO IS VENEZUELAN BY BIRTH OR OF A MOTHER WHO IS VENEZUELAN BY BIRTH, ON THE CONDITION OF ESTABLISHING RESIDENCY IN THE REPUBLIC, OR OF DECLARING HIS OR HER DESIRE TO ACCEDE TO VENEZUELAN NATIONALITY.

(4) EVERY PERSON BORN ABROAD TO A FATHER OR MOTHER WHO IS VENEZUELAN BY NATURALIZATION, ON THE CONDITION OF ESTABLISHING

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CINCSO ALSO FOR POLAD

E.O. 12958: N/A
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SUBJECT: FINAL CONSTITUTION TEXT: PREAMBLE, ARTICLES 1-42

RESIDENCE IN VENEZUELA BEFORE REACHING THE AGE OF EIGHTEEN, AND

OF DECLARING BEFORE REACHING THE AGE OF TWENTY-FIVE HIS OR HER DESIRE TO ACCEDE TO VENEZUELAN NATIONALITY.

ARTICLE 33:VENEZUELANS BY NATURALIZATION ARE:

(1) FOREIGNERS WHO OBTAIN A CERTIFICATE OF NATURALIZATION. TO ACHIEVE THIS THEY MUST BE DOMICILED IN VENEZUELA WITH UNINTERRUPTED RESIDENCE FOR A PERIOD OF AT LEAST TEN YEARS IMMEDIATELY PRIOR TO THE DATE OF THE RELEVANT APPLICATION.

(2) THE TIME OF RESIDENCE WILL BE REDUCED TO FIVE YEARS IN THE CASE OF THOSE FOREIGNERS WHOSE ORIGINAL NATIONALITY IS THAT OF SPAIN, PORTUGAL, ITALY, OR THE COUNTRIES OF LATIN AMERICA AND THE CARIBBEAN.

(3) FOREIGNERS WHO ENTER INTO MATRIMONY WITH A VENEZUELAN MAN OR VENEZUELAN WOMAN AND WHO DECLARE THEIR DESIRE TO BE ONE [A VENEZUELAN BY NATURALIZATION] AFTER THE LAPSE OF AT LEAST FIVE YEARS SINCE THE DATE OF THEIR MARRIAGE.

(4) FOREIGNERS WHO WERE MINORS AT THE DATE OF NATURALIZATION OF THE FATHER OR MOTHER WHO HAS PARENTAL AUTHORITY ["PATRIA POTESTAD"] OVER THEM, ON THE CONDITION OF DECLARING THEIR DESIRE TO BE VENEZUELAN BEFORE REACHING THE AGE OF TWENTY-ONE YEARS AND OF RESIDING WITHOUT INTERRUPTION IN VENEZUELA FOR THE FIVE YEARS IMMEDIATELY PRECEDING SAID DECLARATION.

ARTICLE 34: VENEZUELAN NATIONALITY IS NOT LOST BY VIRTUE OF CHOOSING OR ACQUIRING ANOTHER NATIONALITY.

ARTICLE 35: VENEZUELANS BY BIRTH CANNOT BE DEPRIVED OF THEIR

NATIONALITY. VENEZUELAN NATIONALITY BY NATURALIZATION CAN ONLY BE REVOKED BY A JUDICIAL SENTENCE ISSUED IN ACCORDANCE WITH THE LAW.

ARTICLE 36: IT IS POSSIBLE TO RENOUNCE VENEZUELAN NATIONALITY. ANY PERSON WHO RENOUNCES NATIONALITY BY BIRTH MAY REACQUIRE IT BY ESTABLISHING RESIDENCE IN THE TERRITORY OF THE REPUBLIC FOR A PERIOD OF NOT LESS THAN TWO YEARS AND BY EXPRESSING HIS DESIRE TO DO SO [REACQUIRE VENEZUELAN NATIONALITY]. PERSONS WHO ARE VENEZUELANS BY NATURALIZATION WHO RENOUNCE VENEZUELAN NATIONALITY MAY REACQUIRE IT BY CARRYING OUT AGAIN THE REQUIREMENTS SET FORTH IN ARTICLE 33 OF THIS CONSTITUTION.

ARTICLE 37: THE STATE WILL PROMOTE THE ESTABLISHING OF INTERNATIONAL TREATIES IN REGARD TO NATIONALITY, ESPECIALLY WITH STATES BORDERING ON IT AND THOSE COUNTRIES INDICATED IN [PARAGRAPH] NUMBER 2 OF ARTICLE 33 OF THIS CONSTITUTION.

ARTICLE 38: THE LAW WILL ESTABLISH, IN CONFORMITY WITH THE SPIRIT OF THE PRECEDING DISPOSITIONS, SUBSTANTIVE AND PROCEDURAL NORMS RELATING TO THE ACQUISITION, OPTING FOR, RENUNCIATION AND RECUPERATION OF VENEZUELAN NATIONALITY, AS WELL AS WILL THE REVOCATION AND NULLIFICATION OF NATURALIZATION.

-- SECTION II: CITIZENSHIP

ARTICLE 39: VENEZUELANS WHO ARE NOT SUBJECT TO SUSPENSION OF POLITICAL RIGHTS OF CIVIL INTERDICTION EXERCISE CITIZENSHIP [COMMENT: HERE THE ROLE OF AN ACTIVE CITIZEN, AS OPPOSED TO "NATIONALITY"] AND IN CONSEQUENCE HAVE THE RIGHTS AND RESPONSIBILITIES SET FORTH IN THIS CONSTITUTION AND IN THE LAWS.

ARTICLE 40: POLITICAL RIGHTS ARE RESERVED TO VENEZUELANS BY BIRTH WITH THOSE EXCEPTIONS ESTABLISHED IN THIS CONSTITUTION

THE SAME RIGHTS WILL BE ENJOYED EQUALLY BY VENEZUELANS BY BIRTH, AND VENEZUELANS BY NATURALIZATION WHO HAVE ENTERED THE COUNTRY BEFORE THE AGE OF SEVEN AND HAVE RESIDED IN IT PERMANENTLY UP TO ATTAINING THEIR MAJORITY.

ARTICLE 41: ONLY VENEZUELANS BY BIRTH WHO HAVE NO OTHER NATIONALITY CAN HOLD THE OFFICES OF PRESIDENT OR VICE PRESIDENT OF THE REPUBLIC, PRESIDENT OR VICE PRESIDENT OF THE NATIONAL ASSEMBLY, MAGISTRATES OF THE SUPREME TRIBUNAL OF JUSTICE, ATTORNEY GENERAL ["PROCURADOR"] OF THE REPUBLIC, CONTROLLER GENERAL OF THE REPUBLIC, MINISTERS RESPONSIBLE FOR AFFAIRS RELATED TO THE SECURITY OF THE NATION, FINANCES, ENERGY, MINING, OR EDUCATION, OR GOVERNOR OF A BORDER STATE, OR MAYOR IN A BORDER STATE, OR THOSE OFFICES SET FORTH IN THE ORGANIC LAW OF THE NATIONAL ARMED FORCE.

IN ORDER TO HOLD THE OFFICE OF DEPUTY OF THE NATIONAL ASSEMBLY, MINISTER, GOVERNOR [OF] OR MAYOR IN A NON-BORDER STATE, VENEZUELANS BY NATURALIZATION MUST HAVE BEEN DOMICILED IN

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VENEZUELA WITH NO LESS THAN FIFTEEN (15) YEARS OF UNINTERRUPTED

RESIDENCE SUBSEQUENT TO OBTAINING THEIR CERTIFICATE OF NATURALIZATION, AND MUST MEET THE REQUIREMENTS [FOR THE POSITION] DESCRIBED BY LAW.

ARTICLE 42: WHOEVER LOSES OR RENOUNCES HIS OR HER NATIONALITY LOSES CITIZENSHIP. THE EXERCISE OF CITIZENSHIP OR OF ANY POLITICAL RIGHTS MAY ONLY BE SUSPENDED BY A FINAL JUDICIAL SENTENCE IN THOSE SITUATIONS SET FORTH BY LAW.

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